HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT APPEAL No. 1309 of 2005

Between:

Syed Khaleel Ahmed Quadri and

Others .. Appellants

AND

The Divisional Manager, IBP Corporation

Secunderabad and others ..Respondents.

Counsel for the Appellants: Shri P.Raghavender Reddy

Counsel for Respondent

No.1 : Shri Deepak Bhattacharjee

Counsel for Respondent

No.2. : Shri S.V.Bhatt.

Counsel for Respondent

No.3. : Shri V.Srinivas for G.Rama Rao

Counsel for Respondent

No.4. : Shri A.Rajasekhar Reddy

Asst.Solicitor General

Counsel for Respondents

5 and 6. : None appeared.

Dated: March 13, 2006

JUDGMENT:

Per G.S.Singhvi, C.J.

This appeal is directed against order dated April 29, 2005 passed by the learned Single Judge in Writ Petition No. 20731 of 2004 whereby he disposed of the writ petition with the direction that the first respondent i.e., the Divisional Manager, IBP,

Corporation Limited shall not permit respondents 5 and 6 to run its outlet (petrol bunk) in a residential area until licence and no objection certificates are issued by all the concerned authorities.

On the last date of hearing i.e., February 28, 2006,
Sri Ghanta Rama Rao, learned counsel for Municipal Corporation, Hyderabad disclosed that Commissioner of the Corporation has taken decision on the application filed by respondents 5 and 6. He also undertook to supply copy of the decision to the learned counsel for the parties.

Sri P.Raghavender Reddy, learned counsel for the appellants complains that what has been supplied to him is copy of communication dated February 25, 2006 sent by City Planner and Senior Architect Planner, Municipal Corporation, Hyderabad to the Advocate for the Corporation and not the actual decision.

Sri V.Srinivas, learned counsel appearing for the Municipal Corporation says that copies of the recommendation by the Building Committee and the order passed by the Commissioner will be made available to the learned counsel for the appellants within forty eight hours.

In view of the statement made by learned counsel appearing for the Municipal Corporation, this appeal is disposed of with the direction that the appellants shall be free to challenge the recommendation of the Building Committee and the decision taken by the Commissioner by availing appropriate legal remedy including the one by filing fresh writ petition.

As a sequel to the disposal of the main appeal, all the miscellaneous petitions are also disposed of.

G.S.SINGHVI, C.J.

March 13, 2006

G.BHAVANI PRASAD, J.

GRR